

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/720,970	Applicant(s) REDING ET AL.	
	Examiner HUY Q. PHAN	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,2,4-6,8-16 and 18-22.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: Interview Summary and the new version of Claims Appendix.

/Huy Q Phan/
Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, see REMARKS, have been fully considered but they are not persuasive.

a) Regarding claims 1, 11, 21, and 22, which have been rejected under 35 U.S.C. 112, first paragraph, applicants argued that the instant specification (page 33, para. 97 and fig. 8) supports the limitation (as including new matter) of "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user defined preferences" (see REMARK page 9). The examiner respectfully disagrees, since the instant specification merely discloses that "the user may select a check box 802 to forward all calls (initially directed by a calling party to any of the user's devices) to the users wireline office phone 602 whenever the users Bluetooth-enabled wireless phone comes within the vicinity (i.e., the range) of the user terminal 112_A, also located in the user's office... The user may also select a check box 806 to individually select the devices for which calls thereto are forwarded to their office phone"; therefore, the instant specification does not clearly show "forwarding calls intended for at least two of the communications devices to a second one of the communications devices".

b) Regarding claims 1, 11, 21, and 22, which have been rejected under 35 U.S.C. 112, second paragraph, applicants argued that "claim 1 clearly indicates that the calls recited in the claim 1 are not the same call" (see REMARK page 11). The examiner respectfully disagrees, since there is no indication that shows the limitation of "calls" is referring to the different calls being forwarded from two different communications devices. Therefore, it is unclear whether the limitation of "calls" is referring to the same calls being forwarded from two different communications devices (it is impossible for the same call being forwarded from at least two different communications devices to the particular communications device at the same "exactly" time); thus, making the claims indefinite.

c) Regarding claims 1, 2, 4-6, 8-16, and 18-22, which have been rejected under 35 U.S.C. 102(e), applicants argued that Holloway does not disclose "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user defined preferences" (see REMARK pages 11-15). The examiner respectfully disagrees. Based on the claim language in view of the instant specification (see page 33, para. 97 and fig. 8), Holloway clearly discloses above limitation as described "When mobile phone 230 comes within the range of transmitter 220, mobile phone 230 receives the transmitted signal (step 310). In step 320, phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (step 320) and passing on the appropriate phone number for forwarding".

d) Regarding the rejection of claims 16 and 22, applicants argued that Holloway does not disclose "wherein the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device are to be forwarded to the first communications device when the first communications device is not within wireless communication range of second device". The examiner respectfully disagrees. Based on the claim language in view of the instant specification (see page 33, para. 97 and fig. 8), Holloway clearly discloses above limitation as described "When the user carries mobile phone 230 outside of the range of transmitter 220, mobile phone 230 recognizes that it is no longer receiving a signal from the low-powered transmitter (step 340). Mobile phone 230 then transmits a request to cellular system 210 on an overhead channel to remove the forwarding request (step 350)" see [0017]. The examiner interprets that if "calls" are no longer forwarding to other phones that means "calls" are directly forwarding to the mobile phone 230.

With all the reasons stated above, the rejection is deemed proper and still stands..